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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**APPEAL TO THE BOARD OF APPEALS AND INTERFERENCES**

IN RE APPLICATION

OF: WITSCHET ET AL.

SERIAL NO. 09/936,356

FILED: SEPTEMBER 11, 2001

FOR: TRICYCLIC BENZOYL PYRAZOLE DERIVATIVES

To: U.S. COMMISSIONER OF PATENTS AND TRADEMARKS

JUN 16 2005

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U.S. PATENT & TRADEMARK OFFICE

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CONFIRMATION NO.: 4151

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EXAMINER: R. L. ANDERSON

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents and Trademarks, Alexandria, Va 22313-1450, on:

June 16, 2005

Date of Deposit

Sabine Berg

Person Making Deposit

Signature

Sir:

1.  NOTICE OF APPEAL: Applicant hereby appeals to the Board of Appeals from the decision dated February 16, 2005, of the Primary Examiner finally rejecting Claims 1, 5, 6, 8, 12, 14 to 16 and 23.
2.  BRIEF ON APPEAL in this application is transmitted herewith.  
 Applicants hereby request an Oral Hearing.
3.  Applicants hereby request entry of their timely reply dated June 08, 2005, for purposes of appeal.
4.  Applicants hereby petition for a -/- month extension of time under 37 C.F.R. §1.136(a).  
 A petition for a -first- month extension of time including the requisite fee of -\$120.00- has been submitted along with the reply under 37 C.F.R. §1.116 dated June 08, 2005.
5.  The following fee(s) in the amount of -\$500.00- is(are) paid by credit card (Form PTO-2038 enclosed):  
 The \$ 500.00 fee required under 37 C.F.R. §41.20(b)(1).  
 The -/- fee required under 37 C.F.R. §1.17(a).  
 Charge the following fee(s) in the amount of -/- to Deposit Account No. 14.1437:  
 The -/- fee required under 37 C.F.R. §41.20(b)(1).  
 The -/- fee required under 37 C.F.R. §1.17(a).  
 A fee is not required (Fee paid in prior appeal).
6.  The Commissioner is hereby authorized to charge any fee which may be further required, or credit any over payment, to Deposit Account No. 14.1437. A duplicate copy of this sheet is attached.

Respectfully submitted,  
NOVAK DRUCE DELUCA & QUIGG



Jason D. Voight  
Reg. No. 42,205

1300 Eye Street, N.W.  
Suite 400 East Tower

06/23/2005 WASHINGTON, D.C. 20005  
(202) 659-0100

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